

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E.K. WADE,

Plaintiff,

v.

ELAINE CHAO,

Defendant.

No. 08-00001 JSW

**ORDER DENYING WITHOUT  
PREJUDICE MOTION FOR  
APPOINTMENT OF COUNSEL**

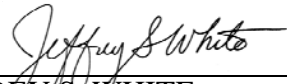
This matter comes before the Court upon consideration of the motion to appoint counsel filed by Plaintiff E.K. Wade (“Mr. Wade”). Having considered Mr. Wade’s motion, the record in this case, and relevant legal authority, the Court finds the matter suitable for disposition without oral argument. *See* N.D. Civ. L.R. 7-1(b). The hearing date on the motion is VACATED, and the case management conference shall be heard on **September 5, 2008 at 1:30 p.m.**

Pursuant to 42 U.S.C. § 2000e-5(f)(1), a court may appoint counsel for a plaintiff “in such circumstances as the court may deem just.” There are three relevant factors to consider in determining “whether to appoint counsel: (1) the plaintiff’s financial resources; (2) the efforts made by the plaintiff to secure counsel on his or her own; and (3) the merit of the plaintiff’s claim.” *Johnson v. United States Treasury Department*, 27 F.3d 415, 416-17 (9<sup>th</sup> Cir. 1994). Ultimately, the decision on whether to appoint counsel is a matter left to the Court’s discretion. *Id.* at 416.

1 The record in this case discloses that Mr. Wade paid the \$350.00 filing fee in this case  
2 and in case *Wade v. Chao*, N.D. Civ. 08-00021-JSW. Mr. Wade sets forth no facts in his  
3 motion regarding his current financial resources. In addition, he has not documented what  
4 efforts, if any, he has made to secure counsel on his own. Accordingly, the Court DENIES  
5 WITHOUT PREJUDICE the motion to appoint counsel.

6 **IT IS SO ORDERED.**

7 Dated: August 22, 2008

  
\_\_\_\_\_  
JEFFREYS. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

E.K. WADE,

Plaintiff,

v.

ELAINE CHAO et al,

Defendant.

Case Number: CV08-00001 JSW

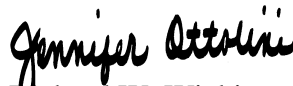
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 22, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

E. K. Wade  
542 North Civic Drive, Apt. D  
Walnut Creek, CA 94597

Dated: August 22, 2008



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk